

**ENTERED**

July 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

CALEB AARON CHAPMAN,

Plaintiff,

VS.

MERCEDITA FLYNN FNP-C, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00117

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO DENY THE PARTIES' DISPOSITIVE MOTIONS**


On June 7, 2023, United States Magistrate Judge Julie K. Hampton issued a “Memorandum and Recommendation to Deny the Parties' Dispositive Motions” (M&R, D.E. 41). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 41), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the

Magistrate Judge. Accordingly, the Defendants' Motion to Dismiss (D.E. 27), construed as a motion for summary judgment, is **DENIED WITHOUT PREJUDICE** and Plaintiff's Motion for Summary Judgment (D.E. 29) is **DENIED WITHOUT PREJUDICE**.

**ORDERED** on July 13, 2023.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE